

AMENDED IN SENATE MARCH 29, 2005

SENATE BILL

No. 955

Introduced by Senator Soto

February 22, 2005

An act to ~~add Article 5.6 (commencing with Section 8589.25) to Chapter 7 of Division 1 of Title 2~~ *amend Sections 8589.10 and 8589.11* of the Government Code, relating to public safety, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 955, as amended, Soto. Public safety: firefighting.

Existing law authorizes the Office of Emergency Services (OES) to acquire new or used firefighting apparatus and equipment for resale to local agencies and to provide other assistance to agencies for the acquisition of firefighting apparatus and equipment which includes any vehicle and its associated firefighting equipment.

This bill would require the ~~Director of~~ OES to acquire 150 additional ~~fire multiple discipline response~~ engines and assign them to the Department of Forestry and Fire Protection and to fire protection agencies, as specified, pursuant to a written agreement on such terms as shall be determined by the ~~director~~ *Director of OES*. The bill would also require the director to assign or reassign ~~fire multiple discipline response~~ engines in a manner that promotes their rapid mobilization, organization, and operation within strategically located geographic regions of the state.

This bill would ~~create, in the State Treasury, the continuously appropriated Response and Rescue Fire Engine Fund, to be used for the purposes of the bill, and would transfer appropriate \$25,000,000 to the Office of Emergency Services from the Federal Trust Fund into that fund from previously unallocated funds received from the federal government pursuant to a supplemental appropriations act for 2003~~

and the Department of Homeland Security Appropriations Acts of 2004 and 2005 for the purchase of the 150 additional multiple discipline response engines.

Vote: majority. Appropriation: yes. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) Over 50 years ago, the federal government established a
4 program to match state and local funds for the purchase of fire
5 and rescue apparatus and equipment. In doing so, the federal
6 government recognized that no single fire department could
7 afford to purchase and maintain sufficient fire and rescue
8 apparatus to combat a major disaster or war-caused
9 conflagration.

10 (b) In 1953 and 1954, the state, through the Governor's Office
11 of Emergency Services (OES), implemented the Governor's Fire
12 Advisory Committee recommendations and purchased 100 fire
13 engines, using federal matching funds, and assigned them to local
14 governments throughout the state through written agreements. *Of*
15 *the fire engines acquired by OES over the last five decades, many*
16 *have been "Type 3" engines equipped for multiple response,*
17 *including urban search and rescue, a vital component of*
18 *responding to any major disaster or war-caused conflagration.*

19 ~~(c) For five decades, local government assignees have been~~
20 ~~permitted to use the OES fire engine fleet for mutual aid~~

21 (c) *For over half a century, OES has assigned its fire engine*
22 *fleet to fire protection agencies for mutual aid response, local*
23 *multiple alarm fires, temporary replacement for out-of-service*
24 *fire apparatus, firefighter training, and other local government*
25 *needs. Each assignee is required to dispatch the OES fire engines*
26 *with the required personnel to any emergency in accordance with*
27 *provisions of the California Fire Service and Rescue Emergency*
28 *Mutual Aid Plan.*

29 (d) *The need to protect structures both in wildland areas and*
30 *in cities and communities throughout California also makes it*
31 *necessary for the Department of Forestry and Fire Protection to*

1 *have reliable response apparatus in order to be prepared for*
2 *their diverse emergency response needs.*

3 *(e) In the fall of 2003, southern California came under siege*
4 *by fires that scorched more than 730,000 acres, burned 3,600*
5 *homes and 35 commercial properties, injured 246 people, and*
6 *took 24 lives. Five hundred farmlands were destroyed, costing*
7 *California roughly forty million dollars (\$40,000,000) in*
8 *agricultural products alone.*

9 ~~(d)~~

10 *(f) In the aftermath of the fall 2003's southern California*
11 *firestorm, a 34-member bipartisan Blue Ribbon Fire*
12 *Commission was established to examine the devastating effects*
13 *of the fires in an effort to prevent similar devastation of life and*
14 *property in the future.*

15 ~~(e)~~

16 *(g) The commission's final report revealed that while state*
17 *and local fire agencies reported having available personnel*
18 *capable of responding to the fires, most lacked additional*
19 *equipment needed to do so. To this end, the commission called on*
20 *the state to develop, among other things, a program—funding to*
21 *fund the acquisition of 150 additional OES fire engines. The*
22 *commission further called on the state to begin replacing and*
23 *diversifying the aging fire engine fleet maintained by the*
24 *Department of Forestry and Fire Protection.*

25 ~~(f)~~

26 *(h) It is in the public's interest for the state to embrace the*
27 ~~commission's recommendation~~ *bipartisan commission's*
28 *recommendations and in doing so, to modernize and update the*
29 *fire and multiple response apparatus of the Department of*
30 *Forestry and Fire Protection and, at the same time, build upon*
31 *its existing fire engine fleet for use in mitigating the effects of all*
32 *forms of disasters, including terrorist acts, major fires, floods,*
33 *and earthquakes.*

34 *(i) To build on the successful state and federal partnership*
35 *that began over 50 years ago, and to further embrace the federal*
36 *government's commitment to partner with the state in equipping*
37 *our nation's fire service front line homeland defenders, it is also*
38 *in the public's interest for the state to use federal funds for the*
39 *implementation of this act.*

1 ~~SEC. 2. Article 5.6 (commencing with Section 8589.25) is~~
2 ~~added to Chapter 7 of Division 1 of Title 2 of the Government~~
3 ~~Code, to read:~~

4 ~~SEC. 2. Section 8589.10 of the Government Code is amended~~
5 ~~to read:~~

6 8589.10. As used in this article:

7 (a) “Acquire” means acquisition by purchase, grant, gift, or
8 any other lawful means.

9 (b) “Director” means the Director of the Office of Emergency
10 Services.

11 (c) “Firefighting apparatus and equipment” means any vehicle
12 and its associated equipment ~~which that~~ is designed and intended
13 for use primarily for firefighting. “Firefighting apparatus and
14 equipment” does not include vehicles ~~which that~~ are designed
15 and intended for use primarily for emergency medical services,
16 rescue services, communications and command operations, or
17 hazardous materials operations.

18 (d) “Indirect expenses” means those items ~~which that~~ are
19 identified as indirect costs in the federal Office of Management
20 and Budget Circular A-87 on January 1, 1985.

21 (e) “Local agency” means any city, county, special district, or
22 any joint powers agency composed exclusively of those agencies,
23 ~~which that~~ provides fire suppression services. “Local agency”
24 also includes a fire company organized pursuant to Part 4
25 (commencing with Section 14825) of Division 12 of the Health
26 and Safety Code.

27 (f) “*Multiple discipline response engine*” means any chemical,
28 biological, radiological, nuclear or high-yield explosives
29 incident response vehicle, including, but not limited to, a
30 hazardous materials response vehicle, mobile command unit,
31 mobile command post vehicle, or other response vehicle that
32 deploys bomb, hazardous material, and special weapons
33 personnel, equipped to detect chemical, biological, and
34 radiological materials that may be armored to protect personnel
35 from explosions and projectiles when required to enter hot zones.

36 (g) “Office” means the Office of Emergency Services.

37 ~~(g)~~

38 (h) “Rural area” means territory ~~which that~~ is outside of any
39 urbanized area designated by the United States Bureau of the
40 Census from the 1980 federal census.

1 *SEC. 3. Section 8589.11 of the Government Code is amended*
2 *to read:*

3 8589.11. (a) The office may acquire new or used firefighting
4 apparatus and equipment for resale to local agencies. If the
5 apparatus or equipment is in a used condition, the office may
6 contract with the Prison Industry Authority to repair or refurbish
7 the apparatus or equipment to acceptable fire service standards
8 before resale. The resale price shall recover the office's cost of
9 acquisition, repairing, refurbishing, and associated indirect
10 expenses.

11 (b) *The office shall acquire 150 additional multiple discipline*
12 *response engines to augment the office's existing fleet of*
13 *response units for use in mitigating the effects of chemical,*
14 *biological, radiological, nuclear, or explosive acts, fires, floods,*
15 *earthquakes, or other disasters.*

16 (c) *The director shall assign multiple discipline response*
17 *engines acquired pursuant to subdivision (b) to the Department*
18 *of Forestry and Fire Protection and local agencies in*
19 *accordance with the recommendations of the six OES Fire and*
20 *Rescue Branch Mutual Aid Regional Coordinators who shall*
21 *determine whether those local agencies are capable of providing*
22 *the units with appropriate facilities, maintenance, and personnel.*

23 (d) *The assignment of multiple discipline response engines in*
24 *accordance with subdivision (c) shall be made pursuant to a*
25 *written agreement entered into between the director and the*
26 *assignee, in which the assignee assumes responsibility for the*
27 *operation, maintenance, and staffing of the assigned multiple*
28 *discipline response engines and agrees to terms to be determined*
29 *by the director, including, but not limited to, the right to dispatch*
30 *an engine together with the required personnel.*

31 (e) *Assignment or reassignment of the acquired multiple*
32 *discipline response engines shall be in a manner that promotes*
33 *rapid mobilization, organization, and operation of the multiple*
34 *discipline response engines within strategically located*
35 *geographic regions of the state, to the extent reasonably possible.*

36 (f) *The Department of Forestry and Fire Protection, subject to*
37 *the requirements of Section 8589.12, or a local agency may*
38 *agree to donate used firefighting apparatus and equipment for*
39 *the purposes of subdivision (a) in exchange for assignment*

1 *priority for a new multiple discipline response engine acquired*
2 *by the office under subdivision (b).*

3 *(g) The director shall make used, repaired, or refurbished*
4 *firefighting apparatus and equipment, donated pursuant to*
5 *subdivision (f) available to interested local agencies serving*
6 *rural areas or communities in accordance with Section 8589.13.*

7 *SEC. 4. The sum of twenty-five million dollars is hereby*
8 *appropriated to the Office of Emergency Services from the*
9 *Federal Trust Fund from previously unallocated funds received*
10 *from the federal government pursuant to a supplemental*
11 *appropriations act for 2003 (P.L. 108-11) and the Department of*
12 *Homeland Security Acts, 2004 (P.L. 108-90) and 2005 (P.L.*
13 *108-334), for the purpose of complying with subdivision (b) of*
14 *Section 8589.11 of the Government Code.*

15 ~~Article 5.6. Response and Rescue Fire Engine Act of 2005~~

16
17 ~~8589.25. This article shall be known and may be cited as the~~
18 ~~Response and Rescue Fire Engine Act of 2005.~~

19 ~~8589.26. (a) The Director of the Office of Emergency~~
20 ~~Services shall acquire 150 additional fire engines to augment the~~
21 ~~office's existing fleet of fire engines to be used in mitigating the~~
22 ~~effects of terrorist acts, fires, floods, earthquakes, or other~~
23 ~~disasters.~~

24 ~~(b) The director shall assign the fire engines acquired pursuant~~
25 ~~to this article to the Department of Forestry and Fire Protection~~
26 ~~and those fire protection agencies of political subdivisions of this~~
27 ~~state that the director determines are capable of providing~~
28 ~~appropriate facilities, maintenance, and personnel for the fire~~
29 ~~engines.~~

30 ~~(c) The assignment of fire engines shall be made pursuant to a~~
31 ~~written agreement entered into between the director and the~~
32 ~~assignee, in which the assignee assumes responsibility for the~~
33 ~~operation, maintenance, and staffing of the assigned fire engines~~
34 ~~and agrees to such terms as shall be determined by the director,~~
35 ~~including, but not limited to, the right to dispatch a fire engine~~
36 ~~together with the required personnel.~~

37 ~~(d) The director shall assign or reassign fire engines in a~~
38 ~~manner that promotes rapid mobilization, organization, and~~
39 ~~operation of the fire engines within strategically located~~
40 ~~geographic regions of the state, to the extent reasonably possible.~~

1 ~~8589.27. The Response and Rescue Fire Engine Fund is~~
2 ~~hereby created in the State Treasury, which, notwithstanding~~
3 ~~Section 13340, is continuously appropriated without regard to~~
4 ~~fiscal years for the purposes of this article. Moneys may be~~
5 ~~deposited in the fund pursuant to an appropriation in the annual~~
6 ~~Budget Act or other statute.~~

7 ~~SEC. 3. The sum of twenty-five million dollars~~
8 ~~(\$25,000,000) is hereby transferred from the Federal Trust Fund~~
9 ~~to the Response and Rescue Fire Engine Fund.~~

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